

Article - Natural Resources

[\[Previous\]](#)[\[Next\]](#)

§10-2A-05.2.

(a) The Secretary may issue a permit to an applicant that authorizes an incidental taking of the endangered Delmarva fox squirrel if:

(1) The applicant submits a conservation plan to the Department that specifies:

(i) The impact that will likely result from the incidental taking;

(ii) The steps that the applicant will take to minimize and mitigate the impact;

(iii) The funding that will be available to implement the steps;

(iv) The alternative actions to the incidental taking that the applicant considered and the reasons that the alternatives were not used; and

(v) Any other measures that the Secretary requires as being necessary or appropriate for the purposes of the plan; and

(2) The Secretary finds that:

(i) The incidental taking will not appreciably reduce the likelihood of the survival or recovery of the Delmarva fox squirrel in the wild;

(ii) The applicant will, to the extent practicable, minimize and mitigate the impacts of the incidental taking;

(iii) Adequate funding for the conservation plan is available and the plan will be implemented; and

(iv) The applicant has obtained the required federal authorization for the incidental taking of the Delmarva fox squirrel.

(b) The Secretary may adopt regulations to implement and enforce this section.

[\[Previous\]](#)[\[Next\]](#)